

0

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KAMAU A. DAVIS,) Case No. CV 15-0867-JGB (JPR)
Petitioner,)
vs.) ORDER DENYING A CERTIFICATE OF
JIM McDONNELL, Sheriff,) APPEALABILITY
Respondent.)

Unless granted a Certificate of Appealability, a petitioner may not appeal from a "final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court." 28 U.S.C. § 2253(c)(1). State pretrial detainees therefore require a Certificate of Appealability before appealing denial of relief under § 2241. Wilson v. Belleque, 554 F.3d 816, 824-25 (9th Cir. 2009).

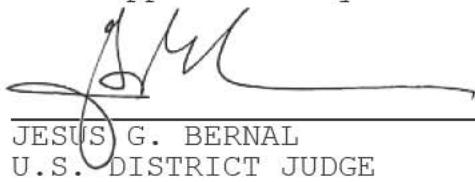
Under § 2253(c)(2), a Certificate of Appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." The Supreme Court has held that this standard means that "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues

1 presented were adequate to deserve encouragement to proceed
2 further." Slack v. McDaniel, 529 U.S. 473, 484 (2000) (internal
3 quotation marks omitted).

4 Here, Petitioner hasn't made the necessary showing as to the
5 merits of his claims or whether the Court should intervene in his
6 pending state criminal proceeding.

7 Accordingly, a Certificate of Appealability is denied.

8
9 DATED: April 20, 2015



JESUS G. BERNAL
U.S. DISTRICT JUDGE

10
11 Presented by:

12 JEAN ROSENBLUTH
Jean Rosenbluth
13 U.S. Magistrate Judge

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28